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The Alledger

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ALLEDGER

Vol. VI, No. 7 BOSTON COLLEGE LAW SCHOOL JANUARY 31-FEBRUARY 13, 1985

February is Black History Month

Why Black History is Important to you

By Lerone Bennett Jr.

People are always telling me that they are too busy making the future to bother with the past. But people who say this give up both the future and the past. There is, in other words, a reciprocal relationship between the past and the future. The past is not something back there; it is happening now. It is the bet your fathers placed which you must now cover. It is the internal urgency which makes you relate to people and institutions in a certain way. It is the web of relationships into which you were born for which you must now answer. It is the structure of institutions which determined that you would be born in a certain place at a certain time and that you would end up here instead of somewhere else.

History is the scaffold upon which personal and group identities are constructed. It is a living library which provides a script of roles and models to which growth can aspire. By telling us who we are, history tells us what we can do. By telling us where we have been, history tells us where we can go.

At a still deeper level, history is power. It is not only a record of action, it is action itself. Even when it narrates, it prepares for action.

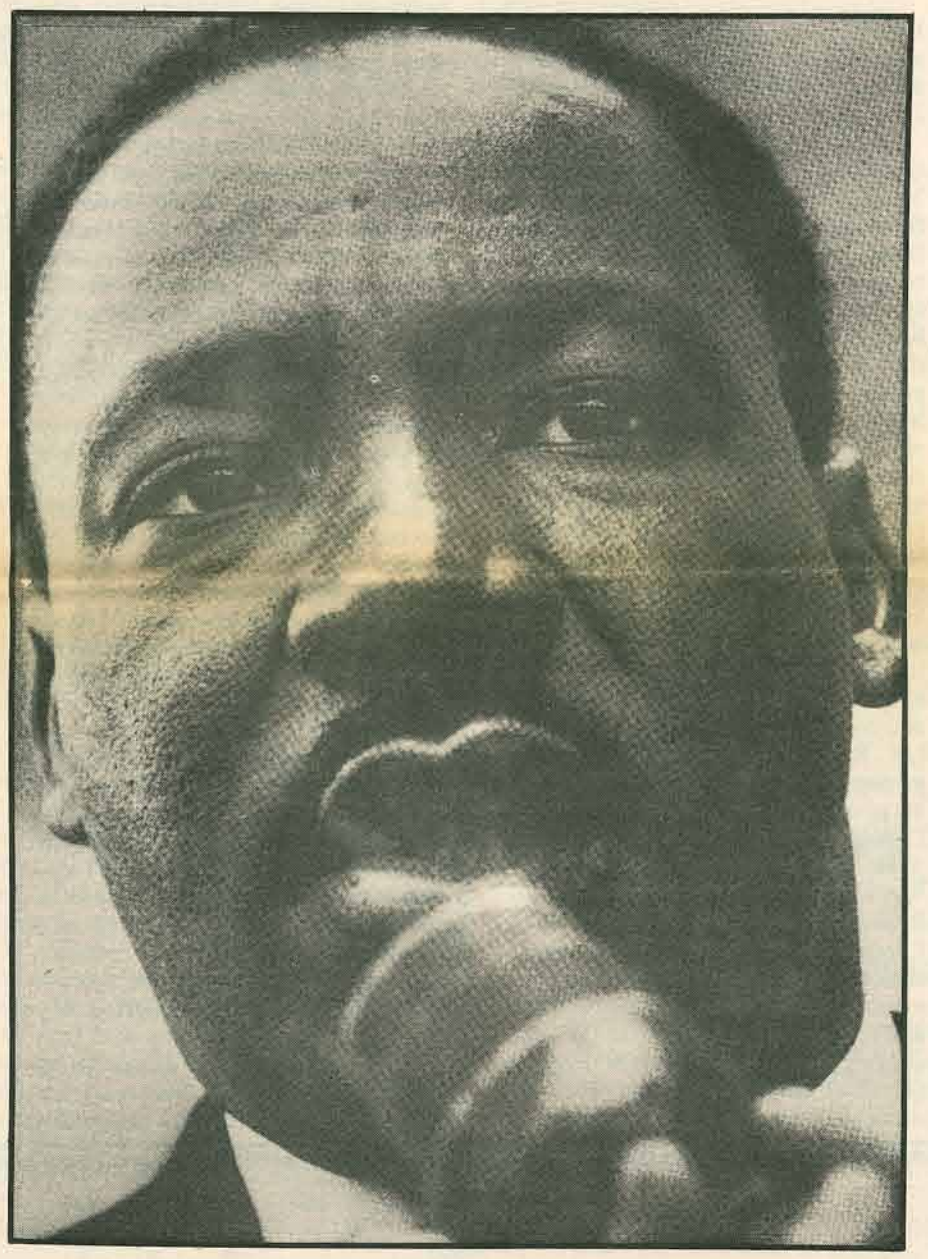
History acts.

It acts because it is the basis of the image which is the ground of our acts. This is a point of enormous importance, for people act out of their image. They respond not to the situation but to the situation transformed by the images they carry in their minds. In short, they respond to the image-situation, to the ideas they have of themselves in the situation.

And if you want to change a situation, you have to change the images people have of themselves and of their situation.

If politicians teach the young to adore certain leaders, if they are solicitous about the reputation of approved heroes, if they carve certain names in stones and give public buildings and streets certain names, it is not because of love for the dead or solicitude for the academy. No: it is because of their great concern for instilling in the young certain attitudes and ideas; it is because group solidarity must be based on a sense of sentiment and legitimacy that only a collective sense of history can give.

Winston Churchill had little or no understanding of the aspirations of the oppressed, but he was a master of the uses of power. And he told the oppressors: "We cannot say the past is past without surrendering the future." Men who stagger under the weight of burdens and chains ignore that insight at their own peril. For if history is important to the oppressor, it is a matter of life and death to the oppressed, who cannot find themselves or free themselves without first finding and freeing their history.



Dr. Martin Luther King, Jr., whose birthday anniversary was celebrated on January 20 this year for the first time as a national holiday.

It is within this context of ideas, and on the basis of three planks of reason, that the history of Black Americans assumes its true importance.

Black history is important, first of all, because people need a sense of history in order to make history. In order to articulate and carry through a historical act, people must have a minimum understanding of historical reality. Without such an understanding, without a complex historical sensibility infomed by a long sweep of events, it is impossible to make large-scale political appraisals. And from this standpoint, we can say there is an urgent need for a greater use of Black history as a tool of analysis. We have made some mistakes and there is no need for us to make them again. We have been through certain phases and there is no need for us to go through them again.

Whether Black people urge nonviolence or self-defense, whether they call for a struggle here or a struggle in Africa, they must base their vision of the future on the Black past and they must justify their calls by a historical analysis of the Black experience. No one interested in mobilizing Black people can escape the necessity of thinking historically. What must appall us is that so many people think historically about Blacks by thinking historically about India or Greece or Rome. I would not be misunderstood. I am not suggesting a withdrawal into the parameters of our experience. I am only saying that although we must respect experience paid for by the blood of other people, we must also respect experience paid for by our own blood.

Black history, which has so many faces, which appears sometimes as an ideology, sometimes as a scholarly discipline, sometimes as a reservoir of energy — Black history, which appears in all these different guises, sometimes in a single manifestation, is now and has always been the absolute ground of Black resistance. Whenever and wherever we have had a real movement of opposition in the Black community, that movement has been accompanied by or grounded on the history of African-American people.

It is a point of immense importance in this connection that Black history was born, so to speak, in the streets and not in the ivory tower. The first impulses of Black history were generated during America's first Freedom movement by the abolitionists, who used the freedom of Crispus Attackus and Phillis Wheatley in order to win their own freedom. During the middle of the nineteenth century, Black abolitionists like Frederick Douglass and William Nell produced the first substantial body of work on African-American history. And they produced that work as a necessary part of the battle. Some fifty years later, at another great turning of the Black spirit, Carter Woodson made an equally effective use of Black history. With the founding of the Association for the Study of Afro-American Life and History, Woodson provided a symbolic infrastructure for Black history as a scholarly discipline and an idea-force of the Black struggle. Since that time, there has been a definite correlation between the intensity of Black protest and the intensity of interest in Black history. And this entitles us to say, I think, that the Black protest is doomed to futility without a prior confrontation with Black history which is the road, perhaps the only road, to that sense of identity and peoplehood which must undergird a people's struggle for power and fulfillment.

Black history is important, secondly, because a people without a historical sensibility cannot break the tyranny of the given. Without a historical sensibility, an oppressed people cannot respect themselves. Without a sense of the past and a sense of expectancy based on the future, *without a sense of time,* it is impossible for an oppressed people to free themselves of the tyranny of the here and now. If we had no historical record, if the Woodsons and DuBoises had not preserved our record, we would be locked into the present, and we would be sorely tempted to believe the factual lies of

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OPINION/EDITORIAL

My Christmas Vacation

By Terry Vetter

During the Christmas Break I went to Minneapolis to visit my family and make a few extra dollars moving furniture. My brother happens to work for a large transportation company and arranged a ride for me in a truck from Boston to Minneapolis. I looked forward to the adventure of the trip and talking to people who have a different set of interests that did not involve law school.

Shortly after meeting Ron, the driver whom I was to ride with, I was told that our first concern was getting through the state of Connecticut. Ron informed me that Connecticut was infamous for their zealous inspection of trucks. Rumor had it that Department of Transportation officials were fining drivers $50 for having dirty sheets in their sleepers. And if the sheets were clean, they had fined one driver $50 for having weak batteries in a flashlight. Fortunately, the weigh station in Connecticut was closed and we were spared the fine tooth comb of their DOT officials.

Once safe from this obstacle, the topic of conversation turned to New York City. Both Ron and I were from the Midwest, and we couldn't figure out why anyone would want to live anywhere near New York City. Ron told me he has a sister who lives near the city because she married a New Yorker. The first two years she lived there she would call home and tell her family how much she hated living in New York. Recently Ron went to visit his sister and brother-in-law. He was telling them about a trip he had taken to Banff, Canada and how beautiful the country was there. His brother-in-law, the New Yorker, then piped in and told Ron that if he really wanted to see something beautiful, he should take a boat ride in the harbor and look at the skyline of Manhattan. Ron and I agreed that as long as people who believe the skyline of Manhattan is comparable to Banff, Canada stayed in New York, they could believe whatever they desired.

When we got to Pennsylvania, Ron got around to asking me what I was doing in Boston. I admitted that I was law student. During this vacation I found it uncanny that, when people found out that I was studying to become a lawyer, I heard about all their experiences with attorneys. I only recall a few instances where someone had something favorable to say about their relationship with a lawyer. Ron began to tell me about the legal problems and tax problems many of the drivers who worked for my brother's company were having. He suggested that I could have a pretty good practice on just those drivers alone. Especially since all the lawyers he knew charged for everything. Ron told me he had a five-minute phone conversation and he was billed for a tenth of an hour. By the time we arrived in Minneapolis I couldn't decide whether I should specialize in law for truck drivers or swear off the whole profession as being dominated by a bunch of mercenary shysters.

Before I could decide, my own mother began telling me about her recent fiasco with our adversary system. She has been recently elected to the city council in my home town. And what would a municipality be these days without a lawsuit pending against it? The city of Spencer, Iowa is being sued by a city worker who fell off a ladder at the municipal airport.

Just as I was pondering that case, one of my aunts informed me that she had two recent experiences with the law, both of them bad. One was a small claims action against a radio repairman who had charged her $70 not to fix her radio. The judge said my aunt had to pay. Her second encounter involved her son in a situation that is stranger than fiction. My aunt went to an attorney and told him she would pay whatever it would take to prove her son's innocence. It doesn't take much imagination to fill in the rest of the story.

As the predictable ending came, a second aunt joined the conversation. She is the president of the school board for Paullina, Iowa. Her school board is being sued for a wrongful discharge. The case has been going on for almost four years, and she was deposed for the first time last fall. Needless to say, a trial date has not been set.

By the time I got ready to come back to Boston, I was glad I had not decided to become a doctor. Being a law student, I get to listen to protracted stories, and my answers to relatives' questions can be vague and ambiguous. As a medical student I would have to hear about everyone's aches and pains and listen to stories of medical incompetence.

As I sat in my seat on the airplane headed for Boston, I was concerned about the bad impression lawyers had made on the people I had spoken with over the break. All their impressions were based on concrete examples. I thought the days of Dickens' Chancery Court were long gone. Yet people seem to be still confused about the law suits they are entangled in and the costs involved. I began to wonder how confusing I would be to my clients. Just then, the man next to me asked me where I was flying to. Boston. Are you a student there? Yes. What are you studying? Law. You know, I just completed a business deal, and I think my attorney bungled up a bunch of things, and I think he billed me for his mistakes. Unfortunately, I did know.

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Boston College Law School
885 Centre Street
Newton, MA 02159
(617) 552-4371

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STAFF

Editor-in-Chief . . . Terry Vetter

Contributing Editors
. . . . . Irwin Schwartz
. . . . . Kenneth Viscarello

Advertising Editor
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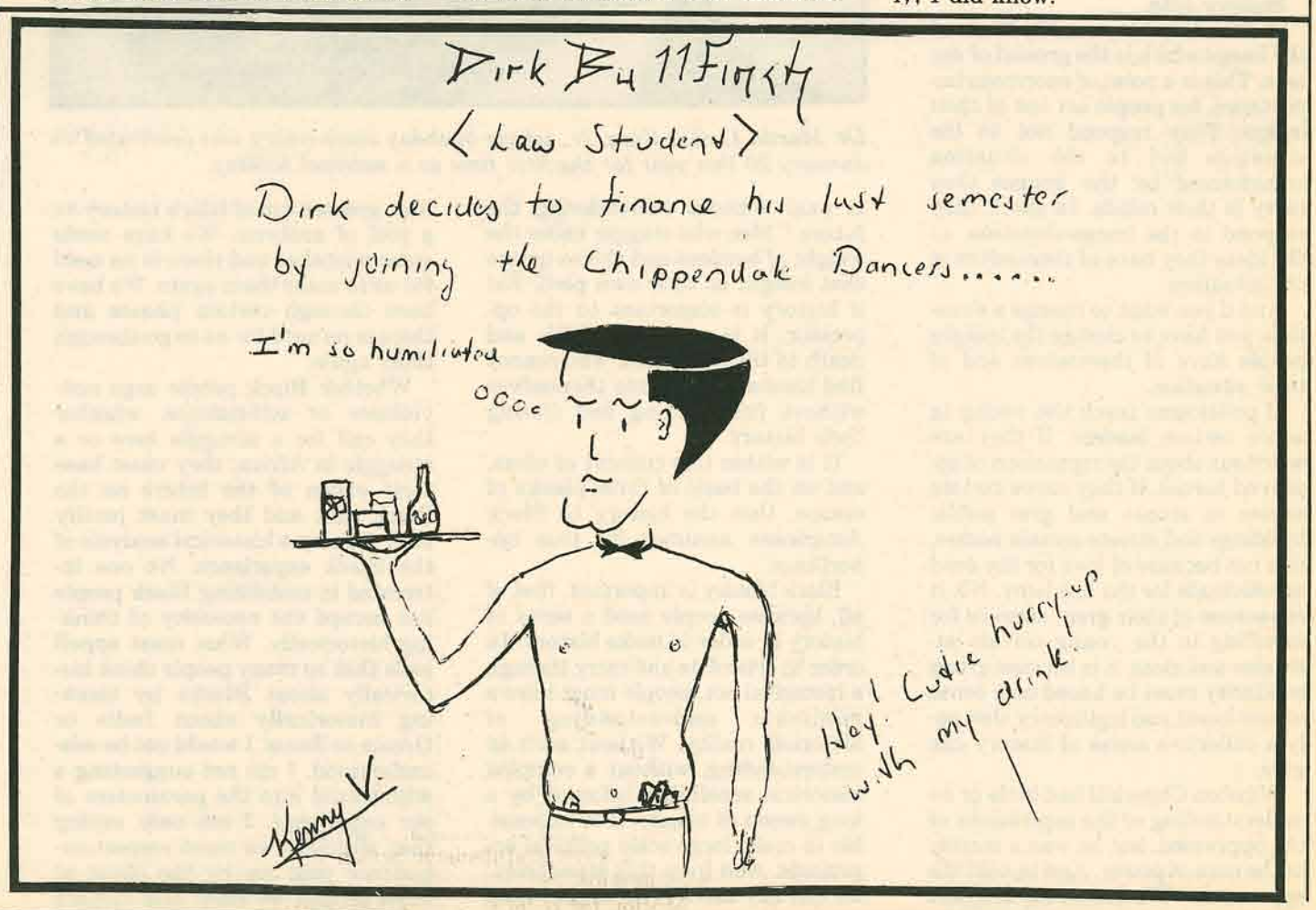


PERSPECTIVE

Legal Notice

STUDENTS OF BCLS,
Plaintiff Class
v.
UNNAMED FRESHMEN,
Defendent Class

Circuit Court of Newton,
December 29, 1985

Class action suit brought by members of the student body of Boston College Law School against certain undergraduate freshmen of same Institution. Declaratory and injunctive relief sought.
LEE, J.

We have before the court a case of most unfortunate circumstance. This action arises out of a single incident which occurred one October evening at the Student Dining hall of the hallowed Stuart house, a structure on the premises of Newton Campus, a titled estate of that fine institution of academia, Bostoniense Collegium. The incident involved two first year law students (hereinafter, "the original plaintiffs") who were engaging in their evening meal. The undisputed facts indicate that seated near the original plaintiffs on that occasion were three male freshmen students (hereinafter, "Larry, Curly, and Moe").

The original plaintiffs alleged that they were subjected against their will to a series of socially unacceptable acts of behavior on the part of Larry, Curly, and Moe. More specifically, it is alleged that during the course of the meal, the three freshmen negligently hurled several objects in the direction of the original plaintiffs, nearly striking them, and that these objects included a fork, a spoon, and a chair. In addition, the two law students maintained that they were subjected to the freshmen's loud, offensive, and intolerable language.

After filing charges of disorderly conduct and creating a public nuisance with civil authorities, the original plaintiffs brought action against Larry, Curly, and Moe to recover damages for assault, attempted battery, infliction of mental distress, and negligence.

Upon initiation of the suit, the case took on a class action mode when the original plaintiffs were joined by virtually all members of the Law School student body. These individuals claimed to have interests similar to that of the original plaintiffs and that these interests stemmed from similar incidents involving other freshmen. The court approved as representative parties of the plaintiff class the contingent of first year students from Western Massachusetts.

The plaintiffs first moved to name as a class of defendants, in addition to Larry, Curly, and Moe, all freshmen whose principle residences during the academic year are Duchesne, Cushing, Hardey, and Keyes Halls (hereinafter, "the Newton freshmen"). Included in this motion was the unusual opt-out provision for those freshmen who, with surplus meal points, purchased food items for law students in the closing days of the fall semester. The court permitted this special provision without inquiry but rejected the motion to name all Newton freshmen as defendants. It is indeed an injustice to judge an entire class by its undesirable few. The amended motion named as defendants only those freshmen who were charged with specific acts related to the allegations in the complaint.

In the original complaint, the plaintiffs alleged: that the defendants' mode of behavior while on the premises of Stuart House ran afoul of legally and socially acceptable standards; that such behavior resulted in mental and physical harm of all plaintiffs with whom they came in contact; and that such behavior was contrary to the proper atmosphere necessary for those individuals in pursuit of a legal education. The plaintiffs prayed for injunctive and declaratory relief. The defendants' answer was that of general ignorance.

A historical discussion of pertinent matters will shed light on this most difficult problem. Nearly a decade ago, the board of Trustees of Boston College gained title of a tract of land that has come to be known as Newton Campus. On this lot are housed the Law School, the Fine Arts Department, freshmen dormitory halls, and accessory structures. For the most part, each department has established a collegial and cooperative relationship with others on the campus. Such has not been the case for the occupants of the Law School and the residents of the dormitory halls, for this has hardly been a symbiotic relationship.

It is established that these two groups share common facilities on the campus grounds (mainly, Stuart House; tangentially, shuttle buses). The frequent contact between the law students and the freshmen has resulted in numerous incidents of friction, and inevitably, the case at bar. Such a result cannot be said to have been unforeseen, since an examination of the two groups reveals that the two classes are of diametrically opposite character.

The proceedings in the case of students of BCLS v. Unnamed Freshmen drew a large crowd of observers.

Law students have an average in the middle to upper twenties; they have, with few exceptions, reached the plateau of mature adulthood. Furthermore, these students are embarked on an educational curriculum whose demands are unmatched by that of any other discipline.

Thrown against this learned class is a group of seventeen and eighteen year old individuals who only recently have had cut their umbilical ties with the homes of their formative years. Only a few months removed from the period of adolescence, these students have not adjusted well to the new-founded "college life" which affords them unspoken liberties and unbridled freedom. The consequences are often shocking.

It cannot be wholly unexpected that conflicts occur when such opposing groups are forced to coexist in the same environment. The plaintiffs contend that the mere presence of the freshmen frustrates their attempts to receive an education. The law students hope to bring an end to the defendants' "infantile complaining, intolerable dining decorum, constant bellowing, and general acts of pre-adolescent behavior."

Defendants, in response, make several valid arguments. First, they do not challenge the contention that some of their male members have had their emotional development arrested. However, the defendants urge that as between freshmen and law students, the former has a better right to the use of the Newton facilities. Pointing to the "transient" status of the plaintiff class, defendants included in their brief a common undergraduate proposition: "Law students are only here to go to classes and maybe get a cup of coffee. On the other hand, we *live* here. They made this place for us."

Both parties make irrefutable arguments. Yet the crux of this case involves the issue of limited resources, an area in which administrative agencies are better equipped to accord relief.

Throughout the merit proceedings of this case, the plaintiffs made several alternative motions for relief, including the following: i) injunctive relief to eject all freshmen from Newton Campus; ii) injunctive relief to eject all freshmen from Stuart House; iii) injunctive relief to order University officials to show cause why defendants could not be housed elsewhere; iv) injunctive relief to prohibit defendants from the type of behavior alleged in the complaint; and v) declaratory relief to decree that defendants are "puerile, boorish, and potentially sophomoric."

We reject the motions for relief described in i, ii, iii, and iv, for this court has no authority to grant such measures. Such actions must be left to the appropriate officials of the University. The motion for relief stated in v is certainly one of the most unusual requests this court has ever seen in its long history of adjudication. The plaintiffs seem to ask this court to literally "declare," in a descriptive manner, but with the force of a judicial decree, that freshmen defendants are "puerile, boorish, and potentially sophomoric."

It is simply not the province of this or any other court to issue a formal judgment that declares what is commonly understood or plainly deducible. *Cf. Seaboard Air Line R. Co. v. Hackney,* 217 Ala. 382, 115 So. 869 (1928); *Lillibridge v. McCann,* 117 Mich. 84, 75 N.W. 288 (1898). Consequently, this court has at its disposal no solution that the situation seems to demand. The case before us cries for swift and decisive action from the Administration.

Motion for relief is regrettably denied.

Some Thoughts on Joe Kennedy's First Rally

By Andrew H. Sharp

The V.F.W. hall was packed with nearly five hundred smartly dressed men and women many more were unable to squeeze in and were left to watch the fanfare on TV monitors in other parts of the hall. Others mingled around outside in the rain. Despite the stifling heat inside, the crowd buzzed with excitement, eagerly awaiting Joe Kennedy's arrival. As a band played, campaign workers sifted through the crowd passing out placards and confetti. To a political neophyte like myself the scene seemed strangely stereotypical. So this was a campaign rally.

On this dank Sunday afternoon Joe Kennedy, the 33 year old son of Robert Kennedy, declared his candidacy for the 8th Congressional District seat soon to be vacated by Tip O'Neill. The event was significant for a number of reasons, not the least of which being the political advent of a new generation of Kennedys. However, the Kennedy rally itself bears witness to the current view of campaign politics as a finely crafted multi-media phenomenon.

The Joe Kennedy rally was indeed impressively orchestrated. The first to speak, Kerry Kennedy, walked onstage 45 minutes after the rally was scheduled to begin. By then the crowd was more than ready to applaud wildly after every utterance. Ms. Kennedy related why she was working for her older brother and made a plea for involvement. Following Kerry Kennedy on the program were two somewhat elderly women who recalled other family members and made similar pleas for time and money.

The expectant crowd was then treated to a slide show, set to music, which featured snapshots of Joe as a child, often pictured with his family. Then there were slides of the contemporary Joe involved with his project, The Citizen's Energy Commission.

The lights came on again and Joe Kennedy made his entrance. He entered not from offstage as his family entourage had, but from the back of the hall. It was reminiscent of a prize fighter pushing through an adoring crowd on the way to the ring. The entrance was effective in that it took many people by surprise and it allowed for a longer progression toward the stage.

Joe Kennedy's speech itself offered few surprises. Energy, defense spending, and the national debt were his primary concerns. More noteworthy was the dynamic figure the young Kennedy cut. Young, tall and handsome. Joe looks like the ideal media candidate. While he didn't appear entirely comfortable while reading his speech, he did show off a strong knack for cadence and timing.

Following a thunderous ovation, Joe's wife Sheila called the Kennedy "family" onstage. A more relaxed Joe introduced them to the crowd. Among the notables were Sargent Shriver, Mike Eruzione, and Boston Celtic Bill Walton. Throughout the introductions the crowd continued to applaud vigorously.

It was an impressive performance. One veteran reporter remarked to me that presidential candidate George McGovern hadn't generated this much excitement in Boston; only a Kennedy could have drawn such attention to his first political rally. Somehow, I didn't doubt it.

LAW SCHOOL FORUM

CRG Ski Seminar in New Hampshire

The Conservation Research Group recently announced its headline event for the 1986 spring semester when it unveiled the plans for its Third Annual Winter Seminar and Ski Weekend at the Lake Shore Farm Resort in Northwood, New Hampshire. Offering a relaxing retreat from whatever ails you in the somewhat remote hills of New Hampshire, the Weekend combines cross-country skiing and other winter wanderings with an informal exploration into environmental legal trends and practice.

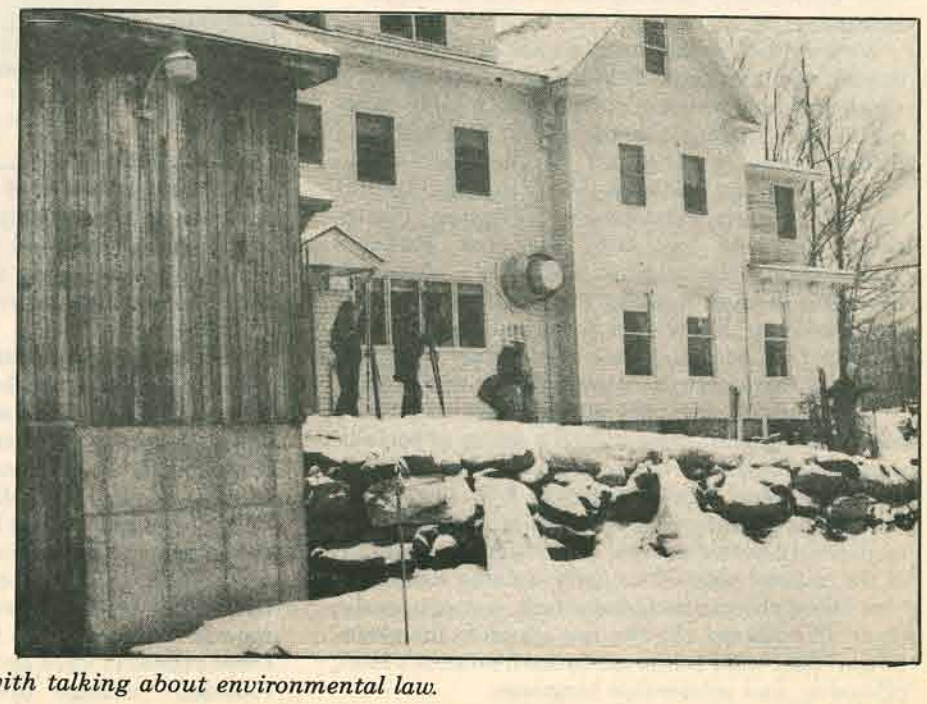
Consistent with its predecessors, this year's seminar component emphasizes the practitioner's perspective of environmental litigation and features Deborah LaBelle, a young but firmly established Michigan attorney who will share her experiences and observations about the practice of environmental law. Ms. LaBelle will discuss environmental causes of action, litigation strategies, and the increasing potential for damages recovery as well as the injunctive relief that is typically associated with environmental cases.

This year's Weekend will begin on Friday evening, February 14th and will run through Sunday, the 16th. The cost, which includes skiing, seminars, two nights' lodging, and six home-cooked meals is $70 per person. Some spaces may still be available so interested students should check the CRG bulletin board across from room M326 for details and registration information. A $35 deposit is needed by February 3rd to reserve a spot.

Other CRG Notes

Responding to the pressures of popular demand, the CRG has once again joined forces with the Environmental Affairs Law Review to sponsor this year's second Environmental Law Forum on Wednesday, February 5th at 7:30 p.m. in the Barat House. The Forum features brief presentations by members of the Environmental Affairs Law Review staff and CRG participants on article topics and project experiences. Refreshments will be served.

Projects are brewing for any student interested in an informal clinical experience in environmental law. Vic Walczak or Jon Roellke may be contacted to explore project opportunities.



Law students at CRG weekend have time for skiing and sight-seeing, along with talking about environmental law.

BSA sponsors Student Competitions

The beginning of second semester brings with it a frenzy of activity. This year, as usual, the pace has been quickened due to the heavy schedule of law school competitions. The Board of Student Advisors has the primary responsibility for planning two of these competitions and is working with Prof. Smith and Valerie Libby on the third.

This year Boston College has the privilege of planning the Regional Competition of the National Moot Trial Competition. In order to best simulate a real trial experience, the rounds will be held in the Suffolk County Courthouse on the weekend of February 14-16. Boston College will be represented by two outstanding teams consisting of: Jim Readey, Suzanne Sheldon, Onel Alfaro, Mariza Vazquez, Robin Kuranko, Sue Zanne Worrell, and Tony Zelle. In order for the competition to run smoothly, and to enhance Boston College's reputation it is imperative that students volunteer their time to act as witnesses and bailiffs. Anyone who is interested should speak to Lisa Szalajeski or Kevin Wrege or stop by the BSA office (Rm. 407).

Preparations have also begun for the Client Counseling Competition which is being administered by Valerie Libby. The competition, which will run from February 4-20, is open to all students. Each team will have the opportunity to interview and counsel a client. The competition helps develop necessary skills for all types of practitioners. The winning team from Boston College will compete in the Regionals which will be held in New Hampshire in March. The winning team there will advance to the Nationals which are in San Antonio this year.

The 23rd Wendell T. Grimes Moot Court Competition has already begun. This competition, open to 2nd years only, is designed to hone a student's oral advocacy skills. The preliminary oral arguments will run from February 25-March 27. The elimination rounds will culminate with the finals on April 19. Boston College has always attracted a high powered bench of judges for the finals, and this year will be no exception. The problem this year concerns constitutional questions relating to the search and seizure and subsequent trial of a juvenile.

All three of our national teams are preparing for their competitions. The National Team, (Bob Frank, Mary Liz Johnson and Tim Van Dyck), are fresh from their 2nd place finish in the Regionals. The team has left for the first round at the Nationals in New York City. Both Jessup teams, Katherine Ashdown, Florence Herard, Elisa Jauss and Scott Lopez are preparing for their first round of competition at the Fletcher School The Administrative Law team, Irwing Schwartz, Frank Stearns and John Wiess are working on their brief in anticipation of the Nationals in March in Dayton, Ohio.

Last year's representatives to the Springfield Law School Basketball Tourney, "Victims of the devil Rum."

The Road to Springfield

By Kenny Viscarello

On February 2, 22 and 23, the law school will send its best hoopsters to Western New England Law School to do battle against some of the finest law schools in the land. The team is coached by Pat Dalton, who is optimistic about the team's chances for success.

Coach Dalton is hopeful that he can keep his team away from the demon rum that destroyed them last year. Last year the team overcelebrated an opening round win over Albany Law School, only to be thoroughly destroyed by a well-rested and sober B.U. Law team. Well informed sources saw the B.U. team observing their 8:00 p.m. curfew and no-liquor policy. While in turn the B.C. team was observing their 8:00 a.m. curfew and drank until they were ill.

Coach Dalton has five players returning from last year's team. Funkster Bob Pierce returns from a summer of training in the desert by wrestlin rattlesnakes and eating cactus. Power forward Tim Clark will probably be a force for the team after doing a brief stint as David Letterman's understudy. Coach Dalton is also relying on returning starter Javier Ferrer to put a lot of points on the board. Also returning are Kon Viscarello and Juan Acosta.

Coach Dalton is also excited about the crop of players who showed up for the first tryout. Coach Dalton said right now the most impressive player is Mark "Dewars" Maher. "Mark is a great player, he really shoots the lights out of the basket. We just hope we can keep him away from the Scotch." Coach Dalton is pondering hiring a body guard to keep Maher locked in a bathroom until game time. Coach Dalton is also impressed with the play of Jon Abrams. "Jon has a keen sense of the court," said Dalton. "He is the only player on the team right now who understands the economic ramifications of the game."

The team is currently practicing hard at the Hammond, the Beacon, and the Backyard for their upcoming trip. Coach Dalton is currently accepting donations of either cash or beer to finance the trip. Any donations will be appreciated. The "team chefs" are also contemplating having a bake sale, so come out and show your support for the team.

"How To Be A Winner"

NOTE: This article was written before the SuperBowl.

It's a given New England beat Miami in the A.F.C. Championship 31-14, but the one thing I've realized since I came back to Boston is that Patriot fans don't know how to be a winner. This is probably true in Chicago, but since I presently reside in Beantown I can only comment on New England fans.

The first step in being a winner is not to boast before it's all over. There are 28 teams in the N.F.L. 27 of them *are* losers at season's end and only one is a winner. It is true that by the time you read this article the Patriots might have won, but if not they are one of the 27 losers. How many of you considered the Redskins winners when they lost to the Raiders in Super Bowl XVIII? How about the Dolphins when the Forty-Niners did a job on them last year? They were both losers. I would certainly congratulate them for making the Super Bowl but a real winner wouldn't settle for just that. A real winner would want only to win and would't say, "well it's a bonus if they win". A bonus for who? The players? Sure, they would receive an extra $18,000. The only way I could explain the "bonus" statement would be that the fans just don't have the confidence that their team can win, and if they do win they'll go around saying they knew it all the time.

"If you were to experience what we've experienced for 23 years then you would understand", is another typical comment from someone who doesn't know how to be a winner. Forget the past, what's done is done. The Patriots lost to the Dolphins in Miami for 18 straight years. Did that make a difference in the championship game? Of course not, the Dolphins got whipped. So the Patriots are the A.F.C. Champions, so were the Dolphins 2 out of the 3 previous years, but when they lost the big one they were Super Bowl losers not A.F.C. Champions. There is no second place in football, only a champion. Don't settle for just being there.

Be a *gracious* winner as well as a gracious loser. Granted New England fans have had more practice with the latter but they still don't know how to be gracious. Miami 30, New England 27, remember that? Some of you refuse to (all of a sudden the past isn't important). Those of you who do remember refuse to admit that Miami won that game, instead you say New England gave it to them. If that's so then what would you say about a team that scored 24 of their 31 points as a result of the opposing team's turnovers. (Such was the case in the championship game). The fact is one team is a loser and should accept it. If New England fans couldn't accept that loss what's going to happen if they lose against the Bears? They'll probably go back and start yelling we squished the fish, but they must accept the fact that they are losers. The truth is I'd like to see the Patriots win. But if they do win I'm afraid I might not learn of any significant world events for weeks, maybe months. Would any of the fans be paying attention in classes? Or maybe they'll skip classes altogether and talk about it for the rest of the semester? Maybe some of you fans are right when you say that your just not accustomed to being a winner. How long is it going to take? Do I sound bitter? I probably am, but only because Patriot fans just don't know anything about *how to be a winner.*

Final Tidbits: This article does not apply to all New England Patriot fans, just 99.9% of them. The Aqua and Orange will be back.

MIAMI AND NEW ENGLAND: The Rivalry Continues

By R.T.

Author's Note: This article was written before the Pats "Squished the Fish" in the AFC championship.

Miami vs. New England. The Dolphins vs. the Patriots. Sunshine vs. Sophistication. Which really is better? One Boston writer told New Englanders to 'Eat Fish' to get ready to battle the Dolphins. One Miami pundit wrote New Englanders talk funny, as in they call warm weather "haht" (hot).

Well, how 'bout those Fins? I may never have been to Florida, but that hasn't stopped other people from comparing the two rivals and it won't stop me. Here's the way I see the lopsided combatants . . . er two opponents.

Palm Trees vs. Oak Trees

Have you ever tried to have a picnic in a grassy field by a palm tree? If you were going to build a house, would you want it built out of a swaying palm tree or a mighty oak tree? Do you think kids build tree forts in a palm tree?

Advantage: New England.

Hurricanes vs. Snowstorms

We all saw recently what a hurricane could do. What is more fun? To go out and play in the snow, or to go out and play in the live power lines? What looks prettier? Snow-covered trees or tree-covered houses?

Advantage: New England

Disneyworld vs. The MBTA

Disneyworld has longer lines, but the rides don't stop in the middle for half an hour. At Disneyworld, Mickey Mouse is the most popular character and everyone gives him a hug. At the MBTA, "Mickey Mouse" drives the trains and everyone gives him the finger. Everyone likes the Goofy at Disneyworld. No one likes the goofy who runs the MBTA.

Advantage: Miami.

Cokeademia vs. Academia

How many Nobel Prize Winners are there in Miami? How many Kings of Coke are there in Boston? How many top-rated colleges are there in Florida? How many secret runways are there in Massachusetts?

Advantage: New England.

Miami Vice vs. Cheers

In Miami Vice everyone is shooting. On Cheers everyone is drinking. Drinking is healthier. The characters in Cheers come back week after week. The characters in Miami Vice get wheeled away week after week.

Advantage: New England.

Dolphins vs. Patriots

How many dolphins were there at Bunker Hill? How many patriots were there in Flipper? What would you rather visit? The Constitution and Old North Church, or Sea World and the Jai Alai Fronton? Who's got a better signature, John Hancock or Mamou, the killer whale?

Advantage: New England.

As you can tell from my analysis, when one looks at the situation with a detached mind (like mine), the verdict is easy. I mean, what would have happened to this country if Paul Revere had to set out on his Midnight Ride on an alligator?

New Computer-Assisted System for Lawyers

Veralex™, a new computer-assisted retrieval system that enables attorneys to access a vast electronic library of legal information, has been announced by The Lawyers Co-operative Publishing Company (LCP) and its California subsidiary, Bancroft-Whitney Company.

The system, priced so that virtually every practicing attorney can afford it, offers immediate, in-office access to the full text of hundreds of thousands of State and Federal cases and administrative decisions, and to the thousands of annotations in *American Law Reports* (ALR) 3rd, 4th, and Federal. In addition, Veralex contains the Auto-Cite(R) case validation service, which provides title, year of decision, court, jurisdiction, official and parallel references (including topical loose-leaf reporters), and prior and later history for requested citations.

The information Veralex provides is essential to the day-to-day practice of law. Using Veralex, attorneys can retrieve needed data quickly, affordably, and in the convenience of their own offices. All that is required is a personal computer, modem, printer, and telephone.

To avail himself of the Veralex data base, the subscriber simply inserts a start-up diskette in his or her computer, switches the computer on, and makes a conection to a national telephone network via the modem. A phone link-up is established between the attorney's computer and the Veralex data base.

To locate a specific case, the user imputs the case's citation. The full text of that case appears on the screen and can be reviewed at the user's convenience. In addition, the user can validate the case citation, and obtain collateral research information, by using Auto-Cite.

Veralex displays on the computer screen can be transformed into hard copy on the user's printer by simply depressing the proper keys on the keyboard.

Robert D. Hursh, president of The Lawyers Co-operative Publishing Company, says, "A major feature of Veralex is its reasonable cost.

"For the first time," Hursh points out, "law firms with as few as one or two practitioners will be able to afford, in-office, an up-to-date electronic library, containing full-text State and Federal case law, administrative decisions, ALR, and Auto-Cite, all on demand. this is a real breakthrough."

The cost of Veralex consists of a one-time start-up fee of $295, a monthly data base update fee of $60, and modest usage charges each time the service is accessed.

Priced substantially lower than other full-text computer-assisted legal research systems, Veralex is the first comprehensive legal electronic retrieval system that is cost justifiable for law firms of all sizes.

Veralex is a product resulting from a joint-venture agreement, announced in April, 1985, between The Lawyers Cooperative Publishing Company and Mead Data Central. Mead Data Central's vast LEXIS(R) legal data base of court and administrative decisions is incorporated in the Veralex system.

Republican Organization Encourages Legal Services for the Poor

The Ripon Society, a national Republican research and policy organization, has released a study calling on American lawyers to assume more of the burden for providing legal services to the poor, elderly and handicapped.

The study, entitled "FEDERAL INVOLVEMENT IN LEGAL SERVICES FOR THE POOR: Encouraging Private Sector Fulfilment of a Public Responsibility," notes that increasing pressure on congress toward deficit-reduction threatens the ongoing federal funding of legal services for the poor. Even at the current level of funding, only one-third or one fourth of the need is adequately met. If the goal of equal access to justice is to be reached, the burden must be shifted to the private bar.

The study faults the current legal services program for creating inflated expectations of equal access to justice, which it cannot provide at the current level of $305 million dollars per year. An adequate program, the Ripon paper estimates, would cost the taxpayers well over one billion dollars a year. A new national program for legal services for the poor should be designed which does not mislead the public or the poor population into the belief that the federal government alone can solve the problem.

The Ripon paper notes that technical advances, such as computer-assisted data transmission and law office computer systems, should make it easier for private legal specialists in other fields to gain access to the necessary information to participate in voluntary legal work for the poor. The federal Legal Services Corporation, in cooperation with the nation's law schools, should work together in constructing a network of computerized brief banks on poverty law.

Despite the acrimonious controversy which has surrounded the federal program recently, the paper states that "There may never be a better time to direct the Legal Services Corporation toward the higher purpose for which it was founded, and in so doing to renew the faith of the American people in the legal profession."

Major proposals that Ripon has recently made are (1) federal assistance toward utilization of third year clinical legal studies programs to develop young lawyer expertise and interest in field organzation work, as well as standards of excellence generated by the law schools: (2) incentives such as student loan repayment agreements requiring terms of service in field organizations in exchange for federal college and law school loan assistance; (3) incentives and technical means for lawyers and law firms to contribute a portion of their time to supporting qualified field organizations or pro bono legal work: and (4) encouragement of more ideals like Interest On Lawyers' Trust Accounts (IOLTA), designed to create a fund for providing legal services from private instead of public money.

The opportunity — and the political climate — now exist for the LSC to define a long-range plan for expanding the private and voluntary role to its maximum permanent extent. The American legal profession, with an annual income of $53.5 billion in 1983, is the wealthiest in the world. Should the federal government, through the Legal Services Corporation, succeed in transferring substantial responsibility for legal services for the poor, elderly and handicapped to the private bar, it could become a model of privatization of a government function, of professional responsibility of the highest order, and a beacon for renewal of public confidence in the legal profession.

Several pronounced trends indicate a clear opportunity for enhancing nationwide a commitment to legal services for the poor throughout the nation's law school faculty and student community: (1) the trend toward clinical training to fill a curricular "Vacuum" in the third year, reinforced by the need for "internship" programs to supplement an otherwise entirely classroom education for the nation's lawyers: (2) the need for an alternative to a pronounced curricular orientation toward the needs of established private law firms alone: and (3) the proven receptivity of law school students, faculties and administrations to opportunities for direct exposure to socially desirable service-oriented clinical training. Added to this is the high, and rising, cost of legal education, which places full utilization of the third year at a premium.

The past decade has witnessed considerable growth of clinical training programs in the nation's law schools, designed to provide direct "hands-on" exposure to legal problems and practice. Such programs have increasingly filled the third-year law school curriculum which suffers from the fact that all basic courses necessary to pass bar examinations and enter a general law practice may comfortably be completed in two years. While clinical programs continue to grow, they lack focus. Indeed, the lack of a clear focus in the third year generally, combined with the sense of an unbalanced curricular orientation toward success in mainly corporate practice, has contributed to rising alienation on the campuses of leading American law schools.

The increasing cost of legal education has placed a greater premium on use of the third year of law school. Added to this is the fact that the rising cost of higher education generally, from the first year of college onward, has forced greater dependence nationwide on financial aid, of which a principal source is the federal Direct Loan Program. Law students, who may depend on considerable financial aid to complete the seven years of college and law school, often find themselves in considerable debt on entering their profession and hence unable to consider low-salary legal services-type employment.

Rather than choosing between high salary job opportunities and the possibility of facing default, law students might be given the opportunity to perform much needed legal work for the poor during the period immediately after graduation in return for partial loan forgiveness, at the rate of a given percentage of the total for each year devoted to such work. Similar loan forgiveness incentives have already been enacted by Congress to influence entry level decisions of teachers, particularly for areas experiencing teacher shortages such as elementary schools, Head start and programs for the mentally disabled.

Other federal incentives, to reach students not burdened by student loans, can be devised, including post-J.D. training and preference for federal employment. Once the entry-level decision has been made and a lawyer has spent at least a year in legal services work, an ongoing program — like an LSC "reserve lawyer" program — should be in place to utilize that lawyer's training and experience for further caseword, consultations, preparation of brief banks, and other service mainly on a voluntary basis. The eventual reward for a given period of service could take various forms, but some form of national recognition — thereby encouraging the interest of the legal profession in pro bono work — might be recommended.

The Legal Services Corporation is at a crossroads. With an annual budget in excess of $300 million, and a significant segment of political opinion committed to its abolition, it is highly vulnerable to the movement toward draconian congressional deficit reduction plans. Even at its present funding, the LSC's services to poor, elderly and handicapped meet a fraction of the need, and truly equal access would cost the taxpayers well in excess of one billion dollars each year.

The only chance for an adequate national program of civil legal services to the poor, elderly and handicapped is to transfer the burden as much as possible to the probate bar. The federal role in this transfer can be crucial, through assistance to the law schools and bar associations, and enactment of incentives like student loan repayment forgiveness for legal services work. There are already strong indications that the law schools and bar associations will contribute to the effort to privatize legal services, thereby demonstrating professional responsibility of the highest order, and restoring national confidence in the legal profession.

Black History

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oppression. The factual lies of the present tell us, for example, that Black people won't work and prefer welfare to honest labor. The history of Black people tells us that no one in this country has done more work than Black people, and that no one in this country is owed more for the work they did for 200 years, sunup to sundown, without pay. The factual lies of the present tell us that Black people won't stick together. But the history of Black people tells us that the only reason Black people survived in this land is that they pooled their pennies and nickels and created a record of collective sharing that is one of the wonders of the modern world. These are only two examples from a long historical list which tells us that we are not who we think we are or what White media say we are.

A third and equally important reason for the importance of Black history is that history is the ambience of our being. Products of a historical rupture and victims of a historical process which we have never ceased to influence by the vibrancy of our presence, we bear within our souls, and within our skins, the tensions of history. And we, more than any other Americans, should be aware of history, not in the negative sense of worshipping the past, but in the creative sense of understanding our relationship to time and space and the dynamics of the historical process. We are the most historical of people because we were created by history and because that history never lets us go. It walks around with us in the day and screams in our brains at night. Since we cannot for one moment, no matter what we do, escape our history, we must understand it and bend it to our purposes.

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